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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 SEAN WALLY,
12 Plaintiff,

13 v.
14

15 HOME DEPOT U.S.A., INC., AND DOES 1-
16 20,
17 Defendants.

Case No.: 3:05-cv-03937 MEJ

NOTICE OF SETTLEMENT

ORDER VACATING C.M.C.

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

Plaintiff Sean Wally and Defendant Home Depot U.S.A., Inc. have agreed to a settlement of this entire case. The settlement is contingent upon execution of a written settlement agreement between the parties. The Stipulation for Dismissal will be filed within 30 days after the date of settlement.

Dated: January 5, 2006

LAW OFFICES OF MICHAEL C. COHEN

By: 

MARGUERITE M. MALLOY
Attorneys for Plaintiff SEAN WALLY

Given the pending settlement in this matter, the Court hereby VACATES the January 26, 2005 Case Management Conference.

Dated: January 19, 2006



PROOF OF SERVICE

Case Name: Wally v. Home Depot U.S.A., Inc.
Court: U.S. District Court Case No.: 3:05-cv-03937 MEJ

On January 5, 2006, I served a copy of the following documents:

NOTICE OF SETTLEMENT in the within action.

At the time of service (1) My business address was the Law Offices of Michael C. Cohen, 1814 Franklin Street, Suite 900, Oakland, CA 94612; (2) I was employed in the County of Alameda, California; (3) I was over the age of 18, and not a party to the within action; (4) I was familiar with my business' practice for collection and processing of correspondence for mailing with the United States Postal Service; (5) I placed the document listed above in an envelope and addressed it as follows:

Mr. Michael Foster
Mr. David Cardiff
Foster and Associates
610 16th Street, Suite 310
Oakland, CA 94612

And (6) the envelope was sealed and deposited in a U.S. Postal Service mailbox on the same date with postage thereon fully prepaid at Oakland, California in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that all of the foregoing statements are true and correct and if called upon would testify competently thereto.

Executed on January 5, 2006, Oakland, California, Alameda County.


Veronica Garcia